

SECTION 00800 - SPECIAL CONDITIONS

SPECIFIER S NOTE: Insert wording, numbers, etc. as appropriate where **[italics in parenthesis]** are shown throughout this specification section. Italicized words are used for directions to the specifier and should be filled in. Blue colored text are Notes to Specifier and should be completely deleted from the final text. **Red colored text is used for items to be modified.** Maintain footer notation in italics with the current version used (e.g. TG00800 v00.04).

SPECIFIER NOTES: Add this section for all projects. Be sure to type without errors. Most paragraphs have major contract implications and must be presented verbatim.

PART 1 - GENERAL

1.01 GENERAL CONDITIONS

- A. As specified in Section 00700 - The INTERIM GENERAL CONDITIONS and these SPECIAL CONDITIONS shall govern all work specified in all DIVISIONS AND SECTIONS. Whenever the term SPECIAL PROVISIONS appears in these specifications, it shall be replaced with the term Section 00800 SPECIAL CONDITIONS .

SPECIFIER NOTES: Add paragraph 1.01 B for matters affecting the basic legal rights that change or modify the GENERAL CONDITIONS and vary from one project to another. Confirm with your Project Coordinator.

B. REVISIONS TO THE INTERIM GENERAL CONDITIONS

SPECIFIER S NOTE: GENERAL CONDITIONS Section 3.10.1 modifications are to be used only with the approval of the Public Works Administrator for short time frame construction projects with specified deadlines where the Award of Contract is concurrent with the Notice to Proceed. In the PROPOSAL, amend SCHEDULE AND COMPLETION OF WORK Option 3. Also add Material Delivery Schedule paragraph 1.0X in these SPECIAL CONDITIONS as appropriate for the project

1. Under ARTICLE 3 - AWARD AND EXECUTION OF CONTRACTS, Modify Section 3.10-NOTICE TO PROCEED by deleting subsection 3.10.1 and substitute the following

3.10.1 The Letter of Award shall also serve as the Notice to Proceed and the Contractor is authorized to proceed with the work immediately. In the event that the Contractor refuses or neglects to start the work within five (5) consecutive working days of the issuance of the Letter of Award and Notice to Proceed, the Comptroller may terminate the Contract in accordance with Section 7.27 TERMINATION OF THE CONTRACT FOR CAUSE.

SPECIFIER S NOTE: For Projects that have a short construction period, insert the following two (paragraphs 1 & 2) revisions which allow the Contractor to claim for Time Extensions due to bad weather days. Design or Project Management Branch Coordinators must determine if there is a need to adjust the 45 day Contract Time threshold.

1. Under ARTICLE 7 - PROSECUTION AND PROGRESS, Modify Section

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7.21-CONTRACT TIME by adding new clause 7.21.5.2(a) as follows:
7.21.5.2(a) For contracts that have a Contract Time less than or equal to forty-five (45) working days, time extensions for bad weather conditions may be granted subject to the approval of the Engineer. Contractor shall notify the Engineer and submit documentation showing the magnitude and / or duration of the weather conditions. Contractor shall justify how this weather condition affected the critical construction activities and the project completion date. Comply with the notification requirements of paragraphs 7.21.5.1 and 7.21.5.3.

2. Under ARTICLE 7 - PROSECUTION AND PROGRESS, Modify Section 7.21-CONTRACT TIME delete paragraph 7.21.8.6 and insert new paragraph 7.21.8.6 as follows:

7.21.8.6 Days the Contractor is unable to work due to normal rainfall or other conditions, except as noted in clause 7.21.5.2(a)

SPECIFIER NOTES: Paragraph 1.02.A, leave lined space in text. DAGS Staff Services will fill in the date.

1.02 SUBSTITUTION REQUESTS

- A. The written substitution requests must be received by the Public Works Division no later than 4:30 P.M. on _____.
- B. Substitution requests by FAX are not acceptable.

SPECIFIER NOTES: Paragraph 1.03.B, confirm with the Project Coordinator and fill in the name, position and telephone of the contact.

1.03 PROJECT CONTACT PERSON

- A. User Agency - For Contractor's access to the site to view conditions during bidding.
- B. NAME: [_____]
POSITION OR TITLE: [_____]
TELEPHONE NUMBER: [_____]
- C. NOTE: All other contact and correspondence during construction shall be processed through the Engineer.

1.04 BIDDERS RESPONSIBILITY FOR EXAMINING PLANS, SPECIFICATIONS AND SITE OF WORK

- A. Bidder herewith refers to sub-contractors, suppliers, manufacturer's representatives as well as contractors
- B. In the process of preparing their bids, Bidders shall promptly notify the Contracts Engineer (telephone: 586-0517) of any ambiguity, inconsistency or error which are discovered upon examination of the bidding documents or of the site and local conditions. Notify the Contracts Engineer if delivery time of long lead items precludes completion of the project within the specified time.
- C. Requests for clarifications shall be made no later than fourteen (14) calendar days prior to the date fixed for bid opening.

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SPECIFIER S NOTE: Determine the appropriate amount of liquidated damages with the Project Coordinator and indicate the amount in paragraph 1.05.A

1.05 LIQUIDATED DAMAGES

- A. In accordance with the Interim General Conditions Section 7.26 FAILURE TO COMPLETE THE WORK ON TIME, upon failure to complete the Work or any portion of the Work within the time or times fixed in the contract or extension thereof, the Contractor shall pay liquidated damages to the Department in the amount of [**\$ _____**] per calendar day of delay.

SPECIFIER S NOTE: In paragraphs 1.05.B & C below, confirm if the percentages to be used are different than the 10% and 5% shown. Public Works Administrator s approval is required to change any percentage. Check with the Project Coordinator.

- B. In accordance with the Interim General Conditions Section 7.32 PROJECT ACCEPTANCE DATE, for failure to correct punch list deficiencies, within the time or times fixed in the contract or extension thereof, the Contractor shall pay liquidated damages to the Department in the amount equal to ten percent (10 %) of the liquidated damages per calendar day of delay.
- C. In accordance with the Interim General Conditions Section 7.33 FINAL SETTLEMENT OF THE CONTRACT, for failure to submit closing documents within the time or times fixed in the contract or extension thereof, it is agreed that the Bidder shall pay liquidated damages to the Department in the amount equal to five percent (5 %) of the liquidated damages per calendar day of delay

SPECIFIER S NOTE: Add this section for projects until the year 2001.

1.06 YEAR 2000 COMPLIANT

- A. All equipment and software shall be Year 2000 compliant. Equipment and software shall continue to operate properly after the start of the year 2000.

SPECIFIER S NOTE: Confirm the need to add this section with your Project Coordinator. For most projects include paragraph 1.07.A only. Add additional paragraphs, similar to Paragraph 1.07.B EXAMPLE, for each specialty contractor(s).

1.07 SPECIALTY CONTRACTOR S LICENSE

- A. Contractor shall be solely responsible to assure that all the specialty licenses required to perform the Work are covered by the Contractor or its subcontractor(s).

EXAMPLE

- B. Contractor performing the Work under Section 15910 - DIRECT DIGITAL CONTROL SYSTEMS shall have a State of Hawaii Contractor License Specialty Classification C-15, Electronics Control Systems.

SPECIFIER S NOTE: Add Section 1.08 and appropriate paragraph(s). Confirm these requirements with the Project Coordinator. Check sequence of outline format for continuity of number / letter. Delete those paragraph not used for project.

SPECIFIER S NOTE: Consider including new section 01350 SPECIAL PROJECT PROCEDURES and/or section 01140 WORK RESTRICTIONS which can better address the project requirements in detail rather than in the SPECIAL CONDITIONS.

1.08 SPECIFIC PROJECT REQUIREMENTS

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SPECIFIER S NOTE: For all Department of Education projects, add this Paragraph.

A. TOBACCO FREE SCHOOL SYSTEM

Comply with the ban on smoking and other use of tobacco products at all times at Department of Education (DOE) facilities and off-campus sites under DOE s operational control.

SPECIFIER S NOTE: For projects with a LETTER OF AWARD/ NOTICE TO PROCEED CLAUSE, add the MATERIAL AND DELIVERY SCHEDULE paragraph

1.0X MATERIAL DELIVERY SCHEDULE

- A. Within ten (10) working days from the award of the contract submit a materials delivery schedule. If the material(s) is not available in Hawaii, take steps to air freight or other means to expedite and insure material(s) is available in sufficient quantities to meet the project completion date. Include appropriate costs in the bid price.

SPECIFIER S NOTE: For projects with subsurface investigations, reports, studies, boring logs and other items that are not to be part of the Contract Documents list these documents for the contractor s information .

1.0X REPORTS, SITE AND SUBSURFACE INVESTIGATIONS, BORING LOGS

- A. The following reports, documents and subsurface investigations are available for inspection at DAGS Public Works Division. These items are included for reference only and are not part of the Contract Documents.

1. *[Subsurface investigation and Boring Log report, dated _____ and prepared by _____.]*
2. *[Weather Data Compilation, dated _____ and prepared by _____.]*

SPECIFIER S NOTE: Until the specifications are fully coordinated with the various name changes, insert the following paragraphs.

1.0X SPECIFICATION SECTION NAME CHANGES If provided in these specifications:

- A. Change the title of Section 01014 WORK SEQUENCE to read Section 01140 WORK RESTRICTIONS. Whenever the term Section 01014 WORK SEQUENCE appears in the specifications, it shall be replaced with the term Section 01140 WORK RESTRICTIONS .
- B. Change the title of Section 01101 DESCRIPTION OF ALTERNATES to read Section 01230 ALTERNATES. Whenever the term Section 01101 DESCRIPTION OF ALTERNATES appears in the specifications, it shall be replaced with the term Section 01230 ALTERNATES .
- C. Change the title (Section Number) of Section 01300 SUBMITTALS, to read Section 01330 SUBMITTALS. Whenever the term Section 01300 SUBMITTALS appears in the specifications, it shall be replaced with the term Section 01330 SUBMITTALS .
- D. Change the title (Section Number) of Section 01030 SPECIAL PROJECT PROCEDURES, to read Section 01350 SPECIAL PROJECT PROCEDURES.

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Whenever the term Section 01030 SPECIAL PROJECT PROCEDURES appears in the specifications, it shall be replaced with the term Section 01350 SPECIAL PROJECT PROCEDURES .

- E. Change the title of Section 01016 OCCUPANCY, AIR QUALITY REQUIREMENTS to Section 01575 TEMPORARY CONTROLS - AIR QUALITY REQUIREMENTS. Whenever the term Section 01016 OCCUPANCY, AIR QUALITY REQUIREMENTS appears in the specifications, it shall be replaced with the term Section 0157 5 TEMPORARY CONTROLS - AIR QUALITY REQUIREMENTS .
- F. Change the title (Section Number) of Section 01567 POLLUTION CONTROL to read Section 01577 POLLUTION CONTROL. Whenever the term Section 01567 POLLUTION CONTROL appears in the specifications, it shall be replaced with the term Section 01 577 POLLUTION CONTROL .
- G. Change the title of Section 01015 - CONTRACTOR USE OF PREMISES to read Section 01715 EXISTING CONDITIONS - ASBESTOS / LEAD / HAZZARD MATERIAL SURVEYS. Whenever the term 01015 - CONTRACTOR USE OF PREMISES appears in the specifications, it shall be replaced with the term Section 01715 EXISTING CONDITIONS - ASBESTOS / LEAD / HAZZARD MATERIAL SURVEYS.

END OF SECTION